

REMARKS

Claims 1, 2 and 4-16 are now pending in the application. Applicant would like to thank the Examiner for the courtesies extended to applicant's representative during a telephone interview on November 4, 2005. Arguments made by the applicant's representative during the interview are set forth below. Although agreement was not reached at that time, applicant believes these arguments traverse the Examiner's rejections. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-4, 7-8, 11-12 and 14-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,654,830 (Taylor). This rejection is respectfully traversed.

Taylor is directed generally to a method for managing data migration for a storage system. Of interest, the Examiner interprets the control signal which initiates the hot copy process to be a change command as recited in Applicant's claimed invention. However, Taylor fails to teach or suggest determining if the hot copy process is expressed in terms of the current configuration state of the network and then implementing the hot copy process only when it is expressed in terms of the current configuration state of the network. Rather, the hot copy process appears to be initiated without any type of validation. In contrast, Applicant's invention is directed generally to an improved method for validating network change commands before such commands are implemented in a storage area network.

For instance, Claim 1 recites “comparing the initial configuration state indicated by the change command to the current configuration state of the network; and implementing the change command when the initial configuration state indicated by the change command correlates to the current configuration state of the network”. During the telephone interview, the Examiner pointed to the priority assigned to the hot copy process as disclosing the recited comparison step and implementing step. In fact, Taylor discloses that data access requests are mapped to the first device 11 or the second device 12 depending on the progress of the hot copy process. When the hot copy process is assigned a low priority, then a requesting client will not experience significant delay in fulfillment of its data access request (col. 6, lines 11-13). Conversely, when the hot copy process is assigned a high priority, then a requesting client may experience some delay in fulfilling the data requests (col. 6, lines 13-17). The assigned priority is not being compared, rather it provides an indication as to how long it will take to complete the copy process. Moreover, the assigned priority has nothing to do with whether or not the hot copy process will be initiated. Taylor does not disclose under what network conditions the hot copy process is initiated. Therefore, Taylor fails to teach or suggest implementing the change command (i.e., hot copy process) when the initial configuration state indicated by the change command correlates to the current configuration state of the network as recited in Applicant’s claimed invention.

Claim 4 further recites “disregarding the change command as being an invalid request when the initial configuration state indicated by the change command does not correlate to the current configuration state of the network”. Under what network

conditions is the hot copy process disregarded? Taylor is again silent as to this question. Therefore, it is respectfully submitted that these claims define patentable subject matter over Taylor.

The Examiner's attention is also drawn to Claim 7. Claim 7 recites "determining if the storage allocation command is expressed in terms of the current configuration state of the network" in combination with other elements of the claim. Again, the Examiner interprets the hot copy process as the storage allocation command. How does Taylor determine if the hot copy process is expressed in terms of the current configuration state of the network? No such determination is made by Taylor. Likewise, Taylor does not disclose under what network conditions the hot copy process is initiated as described above. Taylor further fails to teach or suggest implementing the storage allocation command (i.e., hot copy process) when the storage allocation command is expressed in terms of the current configuration state of the network as recited in this claim. Therefore, it is respectfully submitted that Claim 7 defines patentable subject matter over Taylor.

Applicant further notes that the remaining dependent claims further define a particular type of change command as well as how these commands implicitly indicate the current network configuration. These types of change commands are not disclosed in Taylor and thus also recite patentable subject matter. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

REJECTION UNDER 35 U.S.C. § 103

Claims 5, 6, 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Taylor in view of U.S. Patent No. 6,026,462 (George). This rejection is respectfully traversed.

With regard to these claims, the change command is further defined as either an assign command that establishes an association between a storage unit to a storage server or an unassigned command that disassociates a storage unit from a storage server. The Examiner relies upon George to teach the use of an assign command or unassign command for configuring a SAN, but otherwise applies Taylor as described above (i.e., hot copy process as the change command). Since neither Taylor nor George discloses the steps of validating network change commands before such commands are implemented as recited in the pending claims, it is submitted that these claims also define patentable subject matter over this combination of references.

To the extent that the Examiner interprets either the read request or the write request in Taylor as being the change command, Applicant asserts that the Examiner has failed to establish a *prima facie* case of obviousness as required by *Graham v. John Deere Co.*, 148 USPQ 459 (1966). First, Applicant notes that assign and unassign commands operate at a network configuration level to control how the storage devices are associated with servers. In contrast, the read and write requests are functioning at a data level to manipulate data stored within the storage devices. For at least this reason, the teachings regarding the read or write request are not applicable to Applicant's claims invention and, in particular, not applicable to the subject matter of Claims 5, 6, 9 and 10. Moreover, for this same reason, Applicant contends that one

skilled in the art would not think to combine the teachings of these two references. In other words, there is not proper motivation for combining the teachings of these two references. As set forth in MPEP §2145(x)(C), the Federal Circuit has produced a number of decisions overturning obviousness rejections due to the lack of suggestion in the prior art of the desirability of combining the references. Accordingly, applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 28, 2005
By: 
Timothy D. MacIntyre
Reg. No. 42,824

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600
TDM/drl